REMARKS

At the outset, the Applicant thanks the Examiner for the thorough review and consideration of the pending application. The Office Action dated September 20, 2006 and the Advisory Action dated April 2, 2007 have been received and their contents carefully reviewed.

Claims 1, 2, 4-6 and 8 are hereby amended. Accordingly, claims 1-9 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

It is noted that the above amendments replace all previously submitted amendments, including but not limited to the amendments filed in the After Final Response dated March 12, 2007.

The Office Action rejects claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the Examiner contends that "the claims lack the steps of detecting the laundry." The Examiner further questions "how or when the referenced laundry amount are detected and how these amounts are related to each other." The Applicant respectfully traverses this rejection.

The requirement for definiteness with regard to 35 U.S.C. § 112, second paragraph, is whether the claims meet the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. See the M.P.E.P. 2173.02. Thus, the real issue here is whether one of ordinary skill in the art could clearly understand the metes and bounds of the currently pending claims 1-5.

Applicant has amended claim 1 so it now positively recites steps for detecting the amounts of laundry. However, the Applicant notes that the positive recitation of these steps in no way narrows claim 1 as these steps were already required by the claim language. As such, one of skill in the art would have been able to clearly understand the metes and bounds of claim 1 without the amendments.

With regard to the Examiner's assertion that it is unclear "how" the referenced laundry amounts are detected, the Applicant believes that this is irrelevant with regard to the clarity of the claims and, therefore indefiniteness. Claim 1 now recites, for example, "detecting a first amount of laundry," while this step may be considered broad in scope, breadth is not to be equated with indefiniteness. See the M.P.E.P. 2173.04. One of ordinary skill in the art would not find this step confusing. Thus, requiring the Applicant to add a limitation defining how the laundry amounts are detected would unnecessarily limit the scope of the claims.

With regard to the Examiner's assertion that it is unclear "when" the referenced laundry amounts are detected, claim 1, as amended, clearly sets forth that the detection of a first laundry amount is performed at some point before determining a first water level, the detection of a second laundry amount is performed at some point before determining a first wash pattern and the detection of a third laundry amount is performed at some point before adjusting the first water level and the first wash pattern to a second water level and a second wash pattern. Applicant believes the present amendments provide even more clarity as to when the laundry amounts are detected. Requiring the Applicant to add any further limitations would unnecessarily limit the scope of the claims.

With regard to the Examiner's assertion that it is unclear how the detected amounts of laundry relate to each other, the Applicant believes this again, is a question of whether one of ordinary skill in the art would understand the metes and bounds of the claim. In the context of claim 1, there is nothing unclear about a first amount of laundry, a second amount of laundry and a third amount of laundry. Requiring the Applicant to add any further limitations would unnecessarily limit the scope of the claims.

For at least the aforementioned reasons, the Applicant respectfully submits that claim 1 is allowable, and requests that the rejection be withdrawn. Likewise, claims 2-5, which depend from claim 1 are also allowable for at least the same reasons.

Moreover, the Office Action rejects claims 4 and 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which the Applicants regard as the invention. The Applicants have amended claims 4 and 5, and request that the Examiner withdraw the rejection.

The Office Action rejects claims 6-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. More specifically the Office Action states "what is referenced as first, second and third time periods and how these periods are related to the recited processing steps." As stated above, the Applicant has amended claims 6 and 8. Thus, the Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 112, second paragraph rejection.

Moreover, the Office Action rejects claims 1-5 under 35 U.S.C. § 112, first paragraph, as being based on a disclosure which is not enabling. More specifically, the Office Action alleges that "the claims recite the steps of determining based upon detected laundry amounts, but lack the steps of detecting." The Applicant respectfully traverses this rejection.

As stated above, claim 1 clearly and expressly requires the detection of various amounts of laundry. The Applicant's amendments merely recite, in a positive way, that which was already required by the language of claim 1. Nevertheless, as the Applicant has amended claim 1 so that it now positively recites steps for detecting the amount of laundry, Applicant requests that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

The Office Action rejects claims 1-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,768,728 to *Harwood et al.* (hereinafter "*Harwood*"). The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicant respectfully submits that *Harwood* does not teach every element recited in claims 1-9 and therefore cannot anticipate these claims.

With regard to claims 1-5, claim 1 has been amended to recite "after water is supplied to the washing machine, determining a first wash pattern based upon a detected second laundry amount." *Harwood* fails to disclose at least these features.

While *Harwood* may disclose determining a first wash pattern, this wash pattern is determined by the user prior to the start of the washing cycle. *See column 5, lines 49-52.* In addition, the wash pattern input by the user is the only wash pattern determined and executed in *Harwood.* Thus, *Harwood* fails to teach or suggest "after water is supplied to the washing machine, determining a first wash pattern based upon a detected second laundry amount," as required by the claim.

With regard to claims 6-9, claim 6 has been amended to recite "calculating a first differential based upon the amount of laundry detected the first time and the second time," wherein the amount of laundry detected the second time is performed "after water is supplied to the washing machine." *Harwood* fails to disclose at least these features.

Harwood does not teach detecting any amount of laundry. At best, *Harwood* teaches detecting a water level. Detecting a water level does not constitute detecting an amount of laundry, and it most certainly does not constitute calculating a differential based on a first and second detected amount of laundry as required by claim 6.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 6 are patentably distinguishable over *Harwood*, and request that the rejection be withdrawn. Likewise, claims 2-5 and 7-9, which variously depend from claims 1 and 6, are also patentable for at least the same reasons.

The Office Action rejected claims 1-4 and 6-9 under 35 U.S.C. §102(b) as being anticipated by a conventional washing machine. More specifically, the Examiner suggests that the user of a conventional washing machine could mentally or manually execute each of the method steps as set forth in claims 1 and 6. The Applicant respectfully traverses this rejection.

The Applicant respectfully submits that a user of a conventional washing machine does not and cannot perform every step associated with claims 1-4 and 6-9 and, therefore,

conventional washing machines do not anticipate these claims. In a conventional washing machine, a user has no ability to determine a "differential." For example, in the present application, a first differential ($\Delta 1$) is determined using the equation $\Delta 1=L2-L1$, where L1 is the first detected amount of laundry and L2 is the second detected amount of laundry. At most, a user may be able to visually determine whether one laundry amount is relatively greater than or less than another, but this is not a differential, as claimed. A differential is a value determined from two other values, where the differential is eventually compared to yet another value, i.e., "a predetermined value." Therefore, a user could not possibly determine a differential, as claimed.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 6 are patentably distinguishable over a conventional washing machine, and request that the rejection be withdrawn. Likewise, claims 2-4 and 7-9, which variously depend from claims 1 and 6, are also patentable for at least the same reasons.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: May 21, 2007

Respectfully submitted,

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Attachments